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FUJITSU LIMITED, and
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FILED
DISTRICT COURT OF GUAM

MAY - 7 2007 *mb*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiff,

vs.

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO EXCEED
PAGE LIMIT**

1 In the guise of requesting permission to exceed the twenty page limit for an opposition
2 brief – even though their brief was *less than* twenty pages – Plaintiffs have suggested that
3 Defendants violated L.R. 7.1(g) because Defendants’ moving memoranda (which was less than
4 twenty pages), when combined with their supporting declarations, exceeded twenty pages.

5 Defendants and their counsel have never heard that L.R. 7.1(g) is subject to such an
6 interpretation. It states: “Each party may submit briefs or memoranda in support of or in
7 opposition to any pending motion which shall not exceed a total of twenty (20) pages in length
8 without leave of Court to file additional pages. The moving party may submit a reply brief or
9 memoranda not in excess of ten (10) pages without leave of court. All briefs and memoranda in
10 excess of fifteen (15) pages shall contain a table of authorities cited.”

11 Defendants had understood this rule only to apply to the memoranda or brief, not
12 supporting materials such as declarations, exhibits, or appendices. Plaintiffs evidently do not.
13 Their interpretation would require the filing of motions to exceed page limits as to many
14 substantive filings (such as summary judgment motions) that require supporting declarations.
15 This strikes Defendants as unfortunate as it would require a much greater incident of requests to
16 exceed page limits. Of course, if this is the correct interpretation of the Rule, Defendants will
17 abide by it. But in this context, where Plaintiffs have responded to their recent admonishment for
18 violating the Local Rules by the Court (*see* Docket No. 215) by making numerous (incorrect)
19 accusations of Local Rule violations against Defendants, Defendants would ask that Plaintiffs’
20 motion to exceed the page limit otherwise be denied as unnecessary and contrary to those Local
21 Rules.

22 Respectfully submitted this 7th day of May, 2007.

23 **CALVO & CLARK, LLP**
24 **MILBANK, TWEED, HADLEY**
25 **& MCCLOY LLP**
26 *Attorneys for Defendants*
27 *Fujitsu Limited and*
28 *Fujitsu Microelectronics America, Inc.*

By: 

DANIEL M. BENJAMIN